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A Framework for Collective Security

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THE ARTICLE 43 SYSTEM

A Framework for Collective Security

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"The primary purpose of the United Nations is to maintain international peace and security."

John Foster Dulles, September 17, 1953.

"...the United Nations has the power to suppress acts of aggression."

Eduard A. Shevardnadze, September 25, 1990.

I. INTRODUCTION: A SYSTEM FOR INTERNATIONAL PEACE

Throughout history, humankind has driven towards the universal goal of maintaining the peace. The Greeks created the Delian League in an effort to keep the peace. The emerging European powers of the 1800's adopted a "grand coalition" for the purpose of sustaining security (Ray 1990, 399). The League of Nations, a product of the First World War, sought to limit the occurrence of international conflict. Today, the United Nations, a product of the Second World War, continues vigorously to pursue this all-important goal.

The present system of maintaining international peace and security is in many ways a hybrid of these other past systems, and as such it carries with it many of the advantages and disadvantages of the previous systems. The preceding League of Nations had several

significant drawbacks in terms of meeting its assigned mission. The most notable deficiency in the League of Nations was the absence of a mechanism that could enforce the decisions handed down by the governing body. Without enforcement, "the League of Nations experience demonstrated that if states were simply left to their own devices to provide forces and support to redress a situation, the response would be minimal" (Boulden 1990, 9). This was a crucial lesson to be learned, and it formed the framework for the discussions that ultimately established the present United Nations.

Using the League of Nations as a guide, staff members at the U.S. Department of State began to deliberate, as early as 1942, on the possibility of establishing a post-war collective security arrangement (Boulden 1990, 9). This initial examination was later to serve as the basis for the first official discussions on the United Nations. As the Second World War drew to a close, representatives from the five great powers convened for the purpose of creating an international organization whose objective would be to maintain peace and security in the post-war world (Hilderbrand 1990, 140). These discussions, held at Dumbarton Oaks, set the stage for the final round of talks in San Francisco that ultimately led to the ratification of the United Nations Charter in 1945 (Ray 1990, 444).

Although the United Nations Charter is essentially "a revised League", it differs from the former international organization, in that it seeks to overcome the League's inability to enforce decisions and sanctions (Larus 1965, 214). In order to meet this vital requirement of

enforceability, the framers of the Charter devised the "Article 43 system"--a system which "reflected a Big Five agreement to agree on how the Security Council would be given an effective military arm" that would be capable of enforcing the mandates put forth by the United Nations (Fabian 1972, 58). The Charter called for "special agreements" to be concluded so that the necessary logistical means for implementation would be met:

Article 43

1. All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes. (Sohn 1968, 11)

The provisions spelled out in Article 43 for maintaining a United Nations military force have taken on a new level of significance in light of the recent developments in the international arena. The end of the Cold War, the collapse of the Soviet Union, and the Persian Gulf Crisis have all contributed to changing the face of the United Nations (Scheffer, Right v. Might 2nd ed. 125). And with this change has come the heightened possibility of ratifying "special agreements" in the near future; such action would have a positive effect in advancing the notion of collective security. In order to fully examine the ramifications that a "working" Article 43 system would have on collective security, it will be necessary to consider the events that have led to our present arrangement as well as the effects of more recent experiences on the present system and future schemes. However, preceding this analysis, it will be necessary to review the notion of collective security as it will provide the framework for this discussion of Article 43.

II. COLLECTIVE SECURITY

One of the primary purposes of the United Nations Charter as stated in Article 1 is "to take effective collective measures for the prevention and removal of threats to the peace" (Sohn 1968, 2). Collective security can be operationally defined as multilateral action or arrangement to prevent or halt armed acts of aggression (Naidu 1974, 12-13). This definition of collective security and its establishment as the principal course of action to be taken in instances in which the

peace has been breached, however, did not occur overnight--rather it represents the culmination of years of thinking. In fact, collective security arrangements have their origins in the fourteenth and fifteenth centuries when European monarchs pledged to support each other against aggressive actions carried out by other states (Larus 1965, 1). While the concept has evolved considerably from its feudal beginnings, the basic idea of collective security has remained an integral part of international relations.

The modern view of collective security has its roots in the Treaty of Osnabruck of 1789--a treaty that was designed to resist the spread of ideas inspired by the French Revolution (Larus 1965, 5). The most important contribution that the Treaty of Osnabruck made to the modern interpretation of collective security was the conception requiring all parties of the treaty to provide defense "against whomsoever it may be..." (Larus 1965, 5). This principle of collective action which is codified in this early treaty represents what is perhaps the bedrock of a successful collective security arrangement--success being defined as the ability to prevent or stop acts of aggression (Haas 1967-68, 44). As James Ray notes, an "ideal [collective security arrangement] implies a willingness by all states to oppose any state committing aggression..." (1990, 449). Without a requirement to oppose any and all aggressors through collective action, an agreement to maintain international peace and security could quickly crumble if the signatory states chose to opt out of the collective action for reasons of self-interest. Because of this and the ultimate failure of the League

of Nations, the wording of Article 43 stipulates that "[a]ll members of the United Nations" contribute armed forces for use in the collective security role. Though this exigency has not yet been met within the parameters of the present Charter, the principles put forth by the Treaty of Osnabruck, nevertheless, stand ready to be implemented given any future ratifications of special agreements.

This notion of collective, non-discriminatory action as formally promulgated in the Treaty of Osnabruck, however, describes only one aspect of a successful collective security system. Another inherent feature in such a system is the reliance on and faith in an "international" solution to the act of aggression. All nation-states participating in a collective security arrangement must be confident that the action taken by the collective group is the best response to the problem (Ray 1990, 449). In each instance of crisis, a concerted effort must be viewed as the optimal method of handling an act of aggression and violence. Not only, must all nations view the collective action against aggression as beneficial to the international system, but they must also view the action as conducive to their own national interests (Haas 1967-68, 41). Because of the collective nature of the action, it is necessary that a majority consensus be reached by the member-nations in order to foster legitimacy and longevity in the existing collective security arrangement (Naidu 1974, 20-21). Collective security, therefore, essentially rests on the efficacy (or perceived efficacy) of a common international solution to a problem.

Faith in the system alone, however, can not always guarantee a

triumphal outcome to a crisis. A collective security arrangement also requires that all (or virtually all) nation-states be members of the system. This prerequisite must be met or else the collective security system risks becoming only an alliance system or a balance of power system (Naidu 1974, 25). An alliance assumes that only a few countries are involved in a security arrangement and such a system severely limits the scope and depth of action that can be taken in response to an act of aggression. For instance, NATO, a successful alliance security arrangement, is limited in both the scope and depth of its operations because of geographic and political constraints. Military forces under the auspices of NATO can not conduct operations outside of the geographic area that is delineated in the treaty. A collective security arrangement can overcome this disadvantage by allowing all members of the international community to be a part of the security system. An ideal security system, therefore, would in essence be a veritable global alliance--with all nations being members of that alliance.

By providing universal membership, a collective security arrangement can also contribute to the diffusion of power, which is necessary for a successful implementation of the system (Naidu 1974, 24). No single power can be allowed to dominate the security system. A truly ideal and effective collective security arrangement "would consist of a number of states of equivalent power so that none is too strong to be dominating or too weak to be ineffectual" (Naidu 1974, 24). However, in our present international community in which power

is concentrated in the few, it is difficult to realize this situation exemplar. Perhaps a more realistic approach to diffusing power would be to ensure that the major powers "enjoy a minimum of political solidarity and moral community" (Stromberg cited in Larus 1974, 292). The inclusion of all nations into the collective security system provides for the possibility that no one power would be able to withstand a combined and unified threat from the member-nations. The union of smaller powers serves, therefore, as a deterrent to aggressive action on the part of any one of the major powers.

An international force, faith in the system, universal membership and diffused power are all essential elements of a collective security arrangement, but they are not sufficient alone to ensure the success of that arrangement. Even with the presence of all of these elements, a collective security system can fail or have its effectiveness drastically reduced. These factors merely serve as the framework for a collective security arrangement, for the key component to a successful security arrangement is force and the provision for force. President Woodrow Wilson addressed this issue in a speech when he remarked that "[i]f you say, 'we shall not have any war', you have got to have the force to make that 'shall' bite..." (cited in Naidu 1974, 5). Although President Wilson was never able to witness the fruition of his vision of collective security, his ideas were crucial to the formation of the United Nations. These ideas on collective security and those of Wilson, ultimately became the basis for the formation of Article 43.

III. BEGINNINGS--THE EARLY HISTORY OF ARTICLE 43

The development of Article 43 has been a process of evolution--its meaning changing along with the times. Events and the lessons learned from these events have helped to shape its formation. There are, however, three significant events that have contributed to the composition of the article. These three events--the League of Nations experience, the Dumbarton Oaks discussions and the San Francisco Conference--have all greatly influenced the codification of the present collective security arrangement (Boulden 1990, 9). Indeed, the topic of force provision and the means of implementing such a force were central to the discussions that took place in each of these historical events. In each discussion, in fact, the points now outlined in Article 43 were considered to be sine qua non conditions for a successful collective security arrangement. Thus, in order to more carefully understand the implications that are offered by Article 43, it is beneficial to examine, in turn, the effects of these three formative events on the creation of the article.

The League of Nations

At the conclusion of World War I, the major powers convened for the purpose of creating a system that would be based on the principle of collective security; the outcome was the formation of the League of Nations (Ray 1990, 442). The conventional wisdom of the time placed the blame for the outbreak of the war on "antagonistic alliances and the

faulty mechanism of the balance of power" (Haas in The United Nations and the Maintenance of International Peace and Security 1987, 5). A system based on collective action and international solutions to crises, it was thought, would greatly reduce the likelihood of armed conflict. However, several flaws quickly became apparent and these served to hinder the effectiveness of League policies and operations.

The most notable of these flaws was the inadequacy on the part of the League to provide armed forces for the purpose of enforcing its sanctions (Hilderbrand 1990, 139-140). Though Article 16 of the Covenant of the League of Nations called for member-nations to "severally contribute to the armed forces to be used to protect the covenants of the League," these troops were to be provided only on a voluntary basis (Seyersted 1966, 26-27). This significant fault meant that the actions taken by the League could not always be enforced. Seeking to surmount this sizable problem, the French proposed that a military pool be formed so that in times of crisis the League Council could draw on this force for the purpose of implementing its policies and enforcing its decisions (Boulden 1990, 9). This proposal, which ultimately was incorporated into the Geneva Protocol of 1924, later reappeared during the Dumbarton Oaks discussions when it laid the foundation for the writing of Article 43.

Dumbarton Oaks

Using the experiences of the League of Nations as a guideline, representatives from the four major powers--United States, Great

Britain, China and the Soviet Union--met in 1944 at Dumbarton Oaks in Washington, D.C., to discuss the practicality and possibility of a post-war collective security arrangement (Ross 1966, 22). Though the discussions were only preliminary and the proposals only tentative, the proceedings at Dumbarton Oaks heavily influenced the final round of discussions at San Francisco where the United Nations Charter was finally signed and put into effect. "At the technical level, the great powers exchanged views, hammered out compromises, and identified the differences which would require resolution at a higher political level" (Chen 1973, 25). With much of the talks centering on military and security issues, the issue of force provision was inevitably addressed and the ideas that ultimately became spelled out in Article 43 were formally written down for the first time (Evatt 1948, 6). Indeed, the Dumbarton Oaks conference went a long way in furthering the notions expressed in Article 43 and Chapter VII.

This formal consideration of maintaining forces for enforcement purposes raised some key questions concerning the actual structure and rules that would govern such a force. Among the questions raised were the following: How should the force be constituted? Who will lead the force? What types of military power should it deploy and use? Would the force be able to use the facilities and resources of other countries? (Hilderbrand 1990, 140). These questions had to be answered before any formal agreement could be presented for signing. Each country entered the discussions with their own thoughts on these issues, but they all generally agreed that provisions for an international

force be made in any future collective security arrangement i.e., the United Nations (Hilderbrand 1990, 140). The representatives all believed that the lack of such a force in the League of Nations largely attributed to its failure--and they did not want to err again.

One of the first priorities of the conference representatives was to examine the different possibilities for creating a military force. Essentially, the conference considered three options for determining the nature of the forces to be used (Boulden 1990, 10). The first option, which was strongly advanced by the U.S. State Department, was the use of ad hoc forces for enforcement purposes (Hilderbrand 1990, 140). This type of force would be determined on an as-needed basis and would be earmarked for special purposes; these forces would not be permanent in nature. The second option was the establishment of a permanent international force that would be under the aegis of the collective security organization (Boulden 1990, 10). Finally, the third option consisted of maintaining a military force pool drawn from national contingents (Boulden 1990, 10). The difference between the second and third option lay primarily in the level of autonomy that the forces would have once deployed. In option two, the forces would be under the direct command of the collective security organization, and not the command of their home government. The third option allowed the governments of the contributing forces to exert more control over the collective security force. The consideration of these options represented a drastic departure from the previous experiences with the League of Nations, and these three options were to take on primary

importance in the writing of Article 43. It is, therefore, beneficial to analyze the advantages and disadvantages of each option as addressed at the Dumbarton Oaks conference.

Ad Hoc Forces

Forces created on an ad hoc basis have several advantages. The first, and perhaps most overwhelming advantage of forming forces in this manner is that the force can be tailored to meet the operational requirements of each case, because of its formation on as-needed basis. In addition, the U.S. State Department advanced the argument that forces formed on an ad hoc basis would be easier to control and less likely to become the strong arm of a global "superstate" (Hilderbrand 1990, 140). A common concern voiced at the time was that of maintaining national sovereignty in the face of an international collective security arrangement (Wilcox and Marcy 1955, 165). An ad hoc force would avoid this concern by placing much of the control of the forces in the hands of the individual, contributing states, thereby upholding the sovereignty of each nation. However, a force drawn on this basis would carry with it the disadvantage of being less cohesive and more vulnerable to logistical problems than a more permanent force. This type of force provision, because of its parallels with the League of Nations, was ultimately given less weight when the topic was discussed in San Francisco (Boulden 1990, 10).

Permanent Forces

This second option for collective security military forces was viewed, in many ways as the ideal choice for force provision and maintenance. Initially, the planners at the U.S. State Department favored this force-type over the ad hoc arrangement (Hilderbrand 1990, 140). This option called for an international police force to be formed under the direct control of the collective security organization (Hilderbrand 1990, 140). As a permanent, standing force, it offered many advantages over a less permanent ad hoc force. Unlike the ad hoc forces described previously, this force would always be available for rapid deployment anywhere in the world (Hilderbrand 1990, 140). Moreover, a force that was permanent in nature might be more "homogenous" and "would fight with more esprit than would national contingents brought together at the last minute (Hilderbrand 1990, 140). Permanent forces, under the auspices of an international collective security organization, might also allow the armies of the major powers to disarm without feeling threatened as the powers could rely on the United Nations for defense (Hilderbrand 1990, 140). Although the idea of maintaining permanent forces was initially attractive to the major powers, it too was eventually discarded as a plausible option for enforcing collective security decisions. Contrary to the loosely organized force structure that characterized the ad hoc force concept, this option was considered too structured and too implicit of a world government (Boulden 1990, 10).

Before being ultimately rejected, however, the Soviet delegation added a corollary to the notion of a permanent force--the creation of a

permanent international air force (Wilcox and Marcy 1955, 165). This force was to be designed along the lines of the permanent standing force, except that it would not have land and naval components, only an air component. The prima facie merits of an international air force were considerable. Such a force represented a compromise between an ad hoc force and a permanent force. An international air force seemed to "meet all of the postwar planner's criteria for effective action: it could respond quickly, bring awesome force to bear against a guilty nation, and would not require the Great Powers to commit all of their military forces to the new world organization" (Hilderbrand 1990, 142). Even though an international air force differed from the permanent force described above, it did carry with it many of the disadvantages of the permanent force--at least that was the assertion made by the Anglo-American representatives. Chief among these disadvantages was the potential loss of sovereignty by the contributing nations over their air assets (Hilderbrand 1990, 144). Other negative views of the international air force were also espoused. The Americans doubted the true effectiveness of a force composed only of airplanes and argued that the creation of an international air force might spur an arms race as aggressive nations sought to match the airpower of the collective security organization (Hilderbrand 1990, 146 and 148). The disadvantages finally outweighed the advantages and the international air force went the way of the permanent force idea, as it too was rejected as a viable option for enforcing the policies of the collective security arrangement. With the dismissal of both the ad hoc force and

the permanent force as alternatives, the members of the Dumbarton Oaks conference were left with only the pool force arrangement as an option.

Pool Forces

The proposal for force provision that was finally adopted at Dumbarton Oaks was essentially an adaptation of the French proposal that was advanced in 1924 for the purpose of modifying the enforcement mechanism of the League of Nations. The proposition of a pool force arrangement, recommended by Admiral Willson of the U.S. delegation, "called for an agreement that would oblige member nations to maintain a ready quota of air, sea, and land forces, which would go into action against an aggressor immediately upon receipt of an order from the council" (Hilderbrand 1990, 149). As this formula for providing forces represented a compromise between the two other options, Willson's proposal was readily accepted by the other delegates and thus laid the groundwork for the eventual creation of Article 43. The primary advantage that the pool force offered was flexibility in dealing with situations requiring enforcement by the collective security organization (Hilderbrand 1990, 149). In addition, this alternative allowed the countries to exert more control over their individual force allocations, thereby overcoming the difficult issue of sovereignty. Though, this option did have some drawbacks, such as not being as cohesive as with the permanent force option, the pool force option, nevertheless did present itself as the best available choice for

implementing and enforcing the decisions of the collective security arrangement. By having a general agreement on this issue, the major powers were able to engage in more substantive discussions at the final round of discussions in San Francisco.

San Francisco

Building on the previous demarches at Dumbarton Oaks, representatives from fifty nations descended on San Francisco in 1945 in order to finalize the international agreement that ultimately created the United Nations (Ross 1966, 23). With much of the preliminary discussions taken care of at Dumbarton Oaks, the primary emphasis in this final round of negotiations was determining the actual wording of Article 43. This was no easy task, however, as there existed a prevailing attitude among the governments of some nations that they would lose direct command and control over their forces. Indeed, one delegate at the conference noted that the proposal for the Article 43 system "would involve a far more drastic pooling of national sovereignties than most members would be willing to contemplate" (Wilcox and Marcy 1955, 165). Though, the delegates at the conference were able to overcome these reservations and formulate Article 43, they later resurfaced during the discussions of the Military Staff Committee. The conference, however, was successful and a great number of ideas were generated from the discussions that took place.

While all of the countries contributed to the examination of the question of force structure, the United States was able to outline

several key requirements for implementing the provisions of Article 43. The first criteria (and perhaps most important) called for a large force that could effectively deal with any situation that might arise (Boulden 1990, 12). The second criteria, also concerned with force composition, specified that the external and internal factors of a country be taken into account when ascertaining the types of forces to be assigned to the United Nations. These factors included population, geography, resources and any other limiting factors that affected a country's ability to supply troops (Russell 1958, 260). The final criteria stated that the "forces should be used without geographical or other restriction, as the situation dictate[d]" (Boulden 1990, 12). The work done by the U.S. delegation and other delegations was instrumental in gathering the support necessary for the ratification of the article. The final approval by the members resulted in, as John Foster Dulles stated, "the most striking and far-reaching innovation in the system of collective security" (International Conciliation 1946, 191).

IV. THE MILITARY STAFF COMMITTEE

The idealistic, breakthrough system of collective security envisioned by Secretary Dulles, however, was never able to be realized and in effect became a dead letter. Though, the Charter had been ratified at the San Francisco conference, the member nations failed to conclude any special agreements that were called for under Article 43. In order to establish a set of criteria and principles to guide the process

of concluding future special agreements, the Security Council, in one of its first acts, authorized the Military Staff Committee (MSC) to study the provisions contained in Article 43 and to issue a report on their findings (Bowett 1964, 13). However, after two years of study, the Military Staff Committee was unable to reach a consensus and a deadlock ensued as to the future of Article 43. Although, much of the stalemate was due to political reasons, the ideas and arguments presented by the Military Staff Committee, nevertheless offer keen insight on the workings and provisions of Article 43. Therefore, an examination of the Military Staff Committee and its proceedings during the critical years of 1946 and 1947 is essential to understanding Article 43.

Formation and Organization

Legal bases for the creation of the Military Staff Committee can be found in Article 47 of the United Nation's Charter:

[t]here shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament. (Sohn 1968, 12)

However, in order to trace the origins of the Military Staff Committee one must go back farther than the original wording offered in the Charter. The idea of creating a committee to oversee the military

affairs of the United Nations was first seriously considered during the discussions at Dumbarton Oaks. The members of the conference all agreed that a multilateral group of military officials was necessary in order to command the forces provided by special agreements.

Though the representatives at Dumbarton Oaks agreed in principle to the adoption of a Military Staff Committee, they did not all agree on the composition and function of the committee. The British delegation urged that the committee be formed along the lines of "the Combined Chief of Staff system that they and the Americans had developed for fighting the war in Europe" (Hilderbrand 1990, 156). While the Americans shared many of the British views, they had formulated their own plan for the committee and they termed it the Security and Armaments Commission. The Commission's purpose was to advise the Security Council on military matters. These matters of military concern included: assessing the strategic aspects of crisis-situations; overseeing the logistic operations and command of the collective security force; and supervising the regulation of armaments (Boulden 1990, 11). After some compromise, the two different plans were combined to form the nucleus of what is now referred to as the Military Staff Committee.

Because of its integral role in commanding the Article 43 forces, the issue of who should comprise the Military Staff Committee was of profound importance, and therefore one that needed to be decided quickly. Through examination of the Dumbarton Oaks discussions, one can see that there were essentially three different options that were

considered for establishing the membership of the committee. The alternatives included the following: creation of an ad hoc command that would be situationally defined; a liaison command structure between the Military Staff Committee and military representatives from the several members; or reliance on a standing military staff (Hilderbrand 1990, 157). Ultimately, the delegates chose to make the Military Staff Committee a permanent organ of the United Nations with its membership "consisting of the Chiefs of Staff of the Permanent Members of the Security Council or their representatives" (Gardner 1991, 11). The composition of the committee is important to consider because the attitudes and ideological beliefs of the members was one of the main reasons for the Military Staff Committee's inability to come up with an agreement on Article 43. The addition of other, non-aligned countries to the ranks of the of the committee could have possibly prevented the impasse that occurred during the committee's deliberations. With their organization defined and a task to accomplish, the Military Staff Committee went to work on the planning of a United Nations force.

The 1946 and 1947 Discussions

The discussions that began on February 4, 1946 and continued over the course of the next fourteen months are significant because they are the only formal negotiations to be held on the subject of Article 43 (Frye 1957, 53). They are also significant because they ended in a failure to conclude the special agreements that would have

given the United Nations the teeth that it needed to enforce its decisions. Of the 41 items that the committee identified in its discussions as relating to a United Nations military force, only 25 were agreed upon by all of the members (Collective Security Possibilities...1991, 2). On April 30, 1947, the Military Staff Committee submitted its report on Article 43 to the Security Council for their review. The disagreements over the article quickly became apparent to the Security Council and they extended the length of the study in order to work out the areas of contention (Bailey 1975, 215). Finally on July 2, 1948, the chairman of the Military Staff Committee notified that an agreement was not going to be reached and any further discussions would be deadlocked (Bailey 1975, 215). Thus, the formal consideration of Article 43 by the United Nations came to an inconclusive end. The report that the Military Staff Committee issued, entitled "General Principles Governing the Organization of the Armed Forces Made Available to the Security Council by the Member Nations of the United Nations," serves as a useful reference for analyzing Article 43. The report is "perhaps of more than historical significance, for [it] indicate[s] not only a large area of agreement between the five Powers but also the areas where disagreements exist and, therefore, where the major difficulties in the way of implementing the Charter scheme for the provision of international forces lie" (Bowett 1964, 14).

An examination of these points is, therefore, conducive to comprehending the implications of the Article 43 system. A survey of these points follows. For clarification, the article numbers, unless

otherwise noted, refer to articles in the Military Staff Committee report, not to articles of the United Nations Charter.

General Principles and Points of Agreement

The final report issued by the Military Staff Committee did not highlight only the areas of disagreement, it also indicated that there were several points of agreement by the major powers. Though most of the areas of agreement essentially dealt with the general principles of Article, these general principles had to be agreed to before any further work could be done on Article 43. The members of the Military Staff Committee, in their report, reiterated the purpose of maintaining forces under the aegis of the U.N. by noting that the forces should be used to maintain or restore international peace and security as well as provide a means of enforcement for United Nations resolutions (Bowett 1964, 14 & Article 1 of the Repertory of United Nations Practice 1955, 396). Agreement on this point enabled the Military Staff Committee to focus more of their discussions on the actual composition of the force and the ways in which it would be employed.

The second area that was generally agreed to was the structure and make-up of the forces, which are outlined in Chapters II and III of the report. Chapter II, which discusses the composition of armed forces, calls for the United Nations force to consist of "national armed forces, land, sea and air...from the best trained and equipped units (formations) of Member Nations" (Chapter II of the Repertory of United Nations Practice 1955, 396-397). These provisions, in fact, were

accepted without discussion and unanimously agreed to by the Military Staff Committee. In terms of overall strength (Chapter III of the MSC report), it was agreed that the size of the force would be influenced by the "moral weight and potential power" of the United Nations. It was also agreed that the forces would have to be of "sufficient strength to enable the Security Council to take prompt action in any part of the world"; this agreement fostered the idea of maintaining a U.N. rapid deployment force (Articles 5 & 6 of the Repertory of United Nations Practice 1955, 397). The final part of Chapter III states that the final determination on overall strength will be made by the Security Council and will be dependent on the "international conditions" of the time (Articles 7 & 8 of the Repertory of United Nations Practice 1955, 397-398). These terms were agreed to by all of the members except the Soviets who accepted them on the condition that the principle of equality be used as the basis for force contributions.

General agreement was also reached on the topics covered by Articles 13, 14 and 15. These articles covered the areas of force contribution by individual member nations. The agreement on Article 13 ensured that a member nation would not have "to increase the strength of its armed forces or to create a particular component thereof for the specific purpose of making a contribution to the armed forces [of the United Nations]" (Article 13 of the Repertory of United Nations Practice 1955, 399). By achieving an accord on this issue, the Military Staff Committee hoped to limit any international arms buildup and thus preclude an arms race. As an alternative to providing forces, the

agreement on Article 14 allowed nations to provide facilities or other assistance if they were not able to provide such forces (Boulden 1990, 13). Finally, the members of the Military Staff Committee were able to come to a consensus on Article 15 which permitted member nations to change the size of their contributions with the conclusion of additional special agreements (Article 15 of the Repertory of United Nations Practice 1955, 399-400). An understanding on the points addressed in these articles made the workings of the Article 43 system more flexible and adaptable.

After reaching a general agreement on the question of force contribution, the Military Staff Committee was also able to achieve concurrence on the issues of force employment and readiness. Specifically, they assented to employing forces on the decision of the Security Council and for the purpose of maintaining international peace and security, as called for by Article 42 of the Charter (Articles 18 & 19 of the Repertory of United Nations Practice 1955, 401). This agreement also contributed to the idea of a United Nations rapid deployment force, as Article 19 stipulated that forces be used "to forestall or to suppress promptly a breach of the peace or an act of aggression" (Ibid.). In order to meet these use of force and employment requirements, the Military Staff Committee agreed that readiness levels of the U.N. force be determined by the Security Council (Articles 22-24 of the Repertory of United Nations Practice 1955, 402). The agreements made on these articles were valuable as they provided a basis for how the forces should be maintained and in what context the forces should be

employed.

In order to ensure the realization of the provisions for force employment denoted in Chapter V of the report, the Military Staff Committee members made some agreements concerning the logistics of the U.N. force. A concord on Articles 29 and 30 meant that "[e]ach Member would be responsible for the logistical support of its own forces and and would maintain levels of reserves and replacements adequate to maintain these forces" (Bowett 1964, 14). These two articles gave the countries more control over their forces, but it also allowed for logistical problems. By not agreeing on international control over the logistical process, the Article 43 force would face the difficult problem of not having standardized ammunition or military equipment. This could prove to be disastrous on the battlefield if supplylines broke down. This was also a problem that plagued NATO forces for years before it was agreed upon that all forces earmarked for NATO operations would be required to use standardized ammunition and essential military equipment. However, an agreement on this issue was important because it allowed the individual, contributing nations to maintain sovereignty over their forces, and therefore appease those who opposed the idea of forces maintained under the auspices of the United Nations.

The final area of agreement centered on the overall command and control of the forces. The Military Staff Committee wanted to preserve as much sovereignty in the command structure as possible, while at the same time keeping it centralized and integrated at the international

level. In order to achieve this end, they agreed to the provisions contained in Articles 36-40. Under Article 36, the forces were to remain "under the exclusive command of the respective contributing nations, except when, having been made available to the Security Council" (Article 36 of the Repertory of United Nations Practice 1955, 407). Once called upon by the Security Council, they would, however, be subject to its authority; strategic direction of the forces would be the responsibility of the Military Staff Committee (Articles 36, 37 & 38 of the Repertory of United Nations Practice 1955, 407). As a gesture to those who were concerned about U.N. infringement on sovereignty, the Military Staff Committee approved Articles 39 and 40 which provided for national contingents to "retain their national character" and be subject to their own rules as well as being permitted to communicate directly with the authorities of their own country (Articles 39 & 40 of the Repertory of United Nations Practice 1955, 407). By agreeing to preserve the integrity and sovereignty of the individual force contributions as much as was practical, the Military Staff Committee was able to keep the idea of a United Nations force alive, thereby preventing the entire dissolution of the Article 43 system.

Though over half of the articles of the Military Staff Committee report were ultimately agreed upon by the representatives, there remained large areas of disagreement on several important points. These points of dissension hindered the smooth implementation of Article 43 that was hoped for by the Security Council. In addition, the lack of harmony on Article 43 lessened the effectiveness of the United

Nations. With an implementation of Article 43, the United Nations could well have been a very different organization. Would the Korean War have been fought differently? Would the actions taken in the Congo have been different? Would the Persian Gulf Crisis have been handled differently? Assuming that a working Article 43 system was in place, the answers to all of these questions would most likely be yes; a working Article 43 system would have, at the very least, provided the United Nations with more options and more flexibility. Therefore, with these questions in mind, one can examine the areas of dissension found in the Military Staff Committee report--the implications are significant.

Force Size and Contributions

Although, the major powers could agree on the general principle of utilizing forces for maintaining international peace and security, they could not come to agreement on how big that force should be or who should contribute to that force. Indeed as D.W. Bowett notes, "the first and insurmountable problem proved to be that of reaching agreement on both the total size of the forces and on the relative sizes of the contributions" (1964, 15). Without agreement on these two points, any attempt to implement Article 43 would be fruitless. Essentially, the debate on this issue boiled down to a debate between equal contributions and comparable contributions (Boulden 1990, 16). The Soviets favored, for political reasons, the equal contribution maxim, while Great Britain, France, China and the United States advocated the comparable contribution criterion. This debate permeated the

discussions of the Military Staff Committee and was the prime reason for the deadlock of the committee.

The equal versus comparable contributions debate first manifested itself during the discussion of Article 11 of the MSC report. This article dealt directly with the issue of force contributions by each individual member nation. Two different versions of the text of the article were submitted to the Security Council. The Soviet version called for force contributions to the Article 43 force to be made on the "principle of equality", thereby limiting the influence that any one country could exert on United Nations policy (Article 11 of the Repertory of United Nations Practice 1955, 399). The text proposed by the other four members, on the other hand, emphasized the use of "a comparable initial over-all contribution" by the member nations (Article 11 of the Repertory of United Nations Practice 1955, 399). The United States-led delegation argued that a force determined by comparable contributions would be more effective and balanced than a force based on equal contributions (Top Secret Memo from the U.S. Army Chief of Staff on the Military Staff Committee Ridgeway to Army Chief of Staff Eisenhower in Foreign Relations of the United States 1947, 403). Furthermore, the principle of equality would mean that no country could contribute "for example, more planes than China or more manpower than France," and this would seriously undermine the overall effectiveness of the force (Frye 1957, 54). Raising forces based on the comparable contribution criterion, however, might lead to a situation, described by Soviet U.N. representative, Gromyko, as one in

which "some nations would enjoy a predominant position" because of their disproportionate control over United Nations military forces. Gromyko continued, saying that the situation "might lead to the organization of the armed forces being used in the interests of individual powerful states and to the detriment of the legitimate interests of other countries" (quoted in Boulden 1990, 17). In the context of the Cold War, this debate was clearly important, but today with the absence of a bipolar world the debate seems somewhat less significant. Nevertheless, disagreement on this point ultimately prevented agreement on other areas such as the composition of an international air force and requirements for additional contributions (Articles 16 & 28 of the Repertory of United Nations Practice 1955, 399).

The divergent views on contributions also affected the deliberations on the issue of overall force strength. However, the question of force size was not as ideologically divided as the question of force contributions. Only the United States strongly favored a large military force. The other four members advocated that a relatively small force would be sufficient to meet the needs of the United Nations (Goodrich and Simons cited in Larus 1965, 220). The Soviet Union, acting under the assumption that U.N. forces would not be used against a permanent member, therefore believed that a small force could effectively enforce U.N. decisions (Goodrich and Simons cited in Larus 1965, 220). The United States took the contrary position and recommended that a large military force be formed--one that could be

brought promptly to bear and thus able "to overawe an enemy without having to fight" (Secret Memo by the Director of the Office of Special Political Affairs in Foreign Relations of the United States 1947, 666). In fact, this doctrine heavily influenced the U.S. decision to deploy a large international force during the recent Desert Shield and Desert Storm operations in the Persian Gulf. Like the disagreements on force contributions, the dissent on overall strength of the force is largely the result of the Cold War. The United States was so busy trying to contain the Soviets (and vice versa), that an acceptable compromise was unable to be attained. One need only to look at the memorandums of the time to see the suspicion that each side had of the other.

Location of Forces

This suspicion of the other side also affected the discussions on the issue of where the forces would be based in peacetime. Disagreement on this point arose because some members e.g., the Soviet Union, felt that forces should be based in their own territories in order to preserve national sovereignty. The opposing view, which was espoused by the United States delegation stated that the forces could be based "at the discretion of Member Nations in any territories or waters to which they have legal right of access" (Article 32 of the Repertory of United Nations Practice 1955, 405). The Military Staff Committee was also unable to agree on the timeframe for the withdrawal of forces once their mission ended. The Soviets wanted a specific timeframe to be established in order to guarantee that "forces would not be kept longer

than necessary" (Boulden 1990, 14). The rest of the members urged that a more flexible system of withdrawal be implemented, rather than one which made use of a specific timeframe. A U.S. Department of State position paper of the time noted that one of the main reasons for Soviet dissent on this point was to prevent "forces furnished by nations other than the U.S.S.R. or its satellites" from entering Soviet controlled territory--they did not want a force acting under the auspices of the United Nations to gain control over their territories (Foreign Relations of the United States 1947, 637). However, a deeper investigation reveals that some leaders in the United States harbored the same fears. Several U.S. Senators wanted to be able to "exclude non-American forces from the Western Hemisphere in order to show that the Monroe Doctrine is unaffected"; this opinion, however, never became part of the official U.S. position (Notes of a conference between State Department officials and certain Senators in Foreign Relations of the United States 1946, 771). Again, self-interest on the part of the members and the political climate of the day accounted for the disagreement that ultimately ensued on the issue of force location.

Assistance and Facilities

While there was at least some items that were agreed to by the Military Staff Committee in the other areas, there was absolutely no agreement on any of the articles dealing with the use of facilities and the provision of assistance. The Soviets argued that the agreements on the general principles of Article 43 did not provide for bases to be used

by other member nations. The use of facilities, according to the Soviets, would have to be determined by the special agreements. The issue of national sovereignty and their fear of a United Nations force dominating their territories were the reasons for their dissent on this question. The United States, conversely, advocated a more flexible system in which there would be "a general guarantee of rights of passage and use of such of the Member Nation's available bases as are required by armed forces operating under the Security Council" (Article 25 of the Repertory of United Nations Practice 1955, 403). The driving force behind the United States' position was not so much a fear of having foreign forces on U.S. soil, but rather a fear of having an ineffective, inflexible system that too closely resembled the League of Nations. This fear, however, soon became reality--the Military Staff Committee deadlocked and the hope of having a collective security system with the necessary means of enforcement virtually disappeared...

Reasons for Failure

The immediate question that has to be asked in light of the Military Staff Committee's apparent inability to reach an accord on Article 43 is "Why did such a noble idea fail to gain international support?" To find much of the answer, one must examine the 1946-1947 discussions in the context of history. The inception of the Cold War clearly had an effect on the proceedings of the Military Staff Committee. A close analysis of the points of disagreement reveals that

many arose because of differences in ideology, not for reasons of practicality or workability. If the Military Staff Committee report did nothing else, it did "unveil to the public vast areas of mistrust and disagreement among the five permanent members" (Fabian 1972, 58). The Americans believed that the Soviet principle of equality was designed to limit the size of U.S. forces while simultaneously increasing the size of Soviet military forces (Boulden 1990, 19). Likewise, the Soviets interpreted the American position on forward deployment as an indirect means of encircling their country. The rhetoric of the day, clearly, indicated the overt political nature and level of mistrust that shrouded the deliberations of the Military Staff Committee. In a letter written at the time by the U.S. Chief of Naval Operations, this reactionary attitude is made abundantly clear as he viewed the entire deadlock of the Military Staff Committee as "but a single example of Soviet tactics in the broad overall strategy of the Politburo to dominate the world" (Foreign Relations of the United States 1947, 657). With attitudes such as this prevailing in both camps, it is easy to see how the work on Article 43 eventually stalled.

To be sure, the disagreements between the superpowers were rarely over substantive issues. In fact, both nations agreed to the general principles of Article 43, they could just never agree on the finer points of implementation. Examining the major areas of contention--force size and contributions; force location; and assistance and facilities--one finds that the core motive of the disagreement was political mistrust of the other side (Bowett 1964, 18). Although some

of the blame for failure can be placed on the occasionally unrealistic and impractical interdependence of Article 43 and the rest of the Charter, the overriding factor for the 'lame and impotent conclusion' of the Military Staff Committee was the deterioration of East/West relations. Progress on the Article 43 system ceased after the MSC submitted their report to the Security Council, and any interest in reviving the system was put on hold for the duration of the Cold War. Recently, however, there have been some overtures by the Soviets as well as others calling for a reexamination of the Article 43 system. Certainly, any efforts in support of this should be regarded as hopeful and positive. Maybe this time, with fears and political mistrusts set aside, agreements can be reached and the collective security system long hoped for can finally become reality.

V. HOPE FOR THE FUTURE--THOUGHTS and CONCLUSIONS

After the failure of the Military Staff Committee to come to an agreement on Article 43, many ideas were presented as alternatives and stop-gap measures. These ideas were designed to take up the slack caused by the non-implementation of Article 43. Among the suggestions were the following: the creation of United Nations Guard Force, whose main purpose would be to protect United Nations missions in the field; "the Uniting for Peace resolution, (1950) which called for earmarking troops for U.N. service in the national armed forces of member states; and the use of ad hoc peacekeeping forces (Collective

Security Possibilities...1991, 3). Though the use of peacekeeping forces has been the de facto method for enforcing decisions of the United Nations, it is no substitute for an Article 43 force, as it lacks any deterrent value. Similarly, the other ideas were regarded as either too weak or too impractical for the mission of enforcement and maintaining international peace and security.

In addition to these alternatives, the experiences in Korea gave the United Nations a way to deal with acts of aggression in the absence of special agreements--General Assembly and Security Council resolutions. By passing specific resolutions, the United Nations was able to circumvent Article 43, but still take military action as directed under Article 42. General Assembly resolution 377, adopted during the Korean War, stated that "each Member maintain within its national forces elements so trained, organized and equipped that they could promptly be made available in accordance with its constitutional processes for services as a U.N. unit or units upon recommendations by the Security Council or the General Assembly" (Schachter cited in Damrosch and Scheffer 1991, 69). Under this resolution, the United Nations was able to take action in Korea in support of its general purpose of maintaining international peace and security. However, this system was not perfect because the United Nations did not possess the power to force countries to contribute military units without special agreements in place.

During the Persian Gulf Crisis of 1990-1991, the United Nations also made use of resolutions in order to take action authorized by

Chapter VII. Instead of making use of General Assembly resolutions, the actions that were taken were done via Security Council resolutions. The Security Council implemented Resolution 678 on November 29, 1990, thereby allowing "all necessary means" (including the use of force) to be used in order to force Iraqi compliance with other U.N. resolutions (Scheffer in Damrosch and Scheffer 1991, 102). Although the allied coalition was successful in enforcing the decisions of the Security Council, this means of enforcement certainly should not serve as the model for handling future crises, because this process may not be able to be repeated in the future with the same level of effectiveness. In addition, a reliance on Article 51, which makes provision for forces to be used in self-defense, also suffers from the same drawback; the right of self defense does not guarantee that there will be enforcement action taken on the part of the United Nations. What is needed, therefore, is a system that will allow for special agreements to be concluded, thus giving the United Nations the force that it needs. And the opportunity to do this is now.

Some Proposals and Recommendations

The favorable international perception of the United Nations that currently exists (due in large part to the success that it had in handling the Gulf War) should be used as a springboard for implementing the Article 43 system. Dr. Vladimir Avakov of the former Soviet Union, noted in a paper presented at the Bilateral Meeting of the U.S.-Soviet Working Group on the Future of the U.N. held last summer in Moscow,

that "the success of the anti-Iraqi coalition has seriously shaken such [skeptical] sentiments. It is important not to lose this chance." (Avakov 1991, 8). Considering this opportunity as well as President Bush's initiative for a new world order, the prospect for a successful conclusion of special agreements is possible. Recognizing that the chance for reviving Article 43 is now, several proposals and recommendations have been voiced over the past year as to what needs to be done.

Several experts in the area of international law and the United Nations assembled this past summer for the purpose of formulating some ideas and recommendations for the United Nations and Article 43. The meeting of the United Nations Association in Moscow this past summer produced a number of recommendations that, if carried out, could have a positive impact on the future of collective security as envisaged by the United Nations. Recommendations for improving the provisions of Chapter VII included the following points:

1. The two UNA's and other nongovernmental groups should convene an expert's meeting to hammer out model Special Agreements under Article 43 and present these to the Perm [sic] Five for comments. Later, the Permanent five and other member states could call a conference of U.N. members to consider various model agreements.
2. The reluctance of countries to sign Article 43 might be overcome by giving states which have signed such agreements the right to say yes or no to the commitment of their troops in

particular conflicts.

3. The Military Staff Committee should provide support, not operational, functions to both the Secretary General and the Security Council. Other nations might be included in these discussions in order to make the Military Staff Committee's role more acceptable to the broader U.N. membership (Conclusions and Policy Recommendations from the Joint Meeting between UNA-USA and the Soviet U.N. Association 1991, 4-5).

These proposals, if adopted, could greatly further the goal of achieving a working collective security system. As a first step, they could seek to overcome the issue of sovereignty infringement, as well as giving smaller states some more say over the use of their forces and the criteria for establishing special agreements. It is necessary to involve all members in the Article 43 process or else the system risks being less effective and more easily circumvented; these proposals would help to realize this requirement for collective security. The negotiators at the meeting also suggested that concluding special agreements would make nations less vulnerable to internal political factors when it comes time to call on forces. One can point to the example of the Soviet Union in which a special agreement might have made Soviet foreign policy less susceptible to internal pressures and "less suspected of inconsistency on the part of international partners" (Avakov 1991, 6). While these proposals are not sufficient to guarantee the revitalization of the Article 43 system, they are necessary steps that must be taken by the United Nations in order to

meet the goal of maintaining international peace and security.

Though the formal recommendations made by the United Nations Association are valuable, they do not fully address the issue of how the forces should be comprised. Questions still remain as to what type of force is the 'best' and how that force should be arrayed. Should the force consist of ad hoc forces (as in Korea and the Gulf)? Would a permanent, standing United Nations force be best? Should the United Nations form a rapid deployment force? All of these questions call forth important issues that will have to be answered. The idea of creating a U.N. rapid deployment force, addressed at the 1991 U.N.A. conference, holds considerable interest. Richard Gardner, chairman of the meeting, proposed that a rapid deployment force based on NATO's ACE Mobile Force (elements of which were deployed to Turkey during the Gulf War) could serve as the model for the United Nations. Specifically, he called for a force of between 10,000 and 50,000 that would be drawn mainly from middle or small powers, with twenty to thirty members each contributing a brigade-sized force. The supply of air and naval assets would be the responsibility of the permanent members. In addition, the forces would engage in joint training exercises so that the force would be able to conduct effective operations (personal notes of David Scheffer on the U.N.A. meeting 1991). A force comprised such as this holds many advantages. The force would be able to more closely achieve the collective security criterion of diffusing power because of the diversity of the contributing forces. Secondly, as a virtue of its design, the force would be highly

mobile, and this rapid deployment capability would allow for quick and decisive action. Finally, the force could offer a great deterrent value because of its "moral weight" and ability to get involved swiftly in crises. With the end of bipolarity and the reduced likelihood of a large scale war, this type of force may well be an answer to the question of how the Article 43 force should be comprised.

UNSeaForce

While the Gardner proposal for a rapid deployment force tends to emphasize the use of land forces, this may not represent the most efficacious or most implementable plan. I would suggest an alternative proposal that would emphasize naval forces over land forces. Essentially, this plan, which I will call UNSeaForce, would be based around the use of naval and amphibious forces, rather than land forces, which are inherently less mobile and geographically limited in their use. The force would consist of five to eight carrier battle groups and the associated support ships. In addition, two to four brigades of Marines would be stationed on amphibious assault ships sailing with the carrier battle groups. Once formed, the naval forces would be deployed on the call of the Security Council or Military Staff Committee to those areas that are deemed to be threats to international security. The United States because of its large numbers of carriers would be expected to supply the majority of the carriers; the other four countries that currently operate carriers would also contribute. However, in order to assure that the force is truly international, support ships,

frigates, destroyers, marine units, aircraft (including carrier-based aircraft), sailors, facilities, and operating expenses could all be furnished by other member nations.

The comparative advantages offered by this UNSeaForce over a land-based force would be enormous. First and foremost, the force would be able to be on-the-scene of almost any international crisis in a relatively short amount of time. A land force might take months to deploy--a sea force could deploy within days or even hours. The naval force would also have the advantage of being able to project power without getting directly engaged in combat. In times of peace, United Nations naval units could be deployed off the coast of a country without violating the country's territorial sovereignty. These forces could then conduct humanitarian and show-of-force missions. The presence of a carrier battle group would also be able to offer a high degree of deterrence because of its capacity for power projection. If the force was unable to prevent acts of international aggression, its air and amphibious assets could be used to enforce U.N. decisions and engage the aggressor forces. Additionally, the sea force would give the United Nations the power to deal with drug trafficking, international terrorism and threats to the sea lines of communication. Finally, in terms of implementation, the UNSeaForce would not carry with it the same level of sovereignty infringement as would a land-based force because it would be primarily deployed at sea. Thus, this alternative plan might stand a better chance of actually being put into effect--but any U.N. force created under Article 43 would be better than none at

all.

Since its inception in 1945, the United Nations has been a harbinger of peace and security to the nations of the world. It has provided the hungry with food. It has offered havens for refugees. But, never has it been able to employ its own military force in support of its resolutions and policies. The article that would have allowed it this necessary means of enforcement remains but an empty hope. Though the purpose of the U.N. force is noble--"to maintain international peace and security"--the members have never been able to agree on to how to proceed beyond the idea. Torn by differing ideologies and the Cold War, Article 43 has stood idly by, unused and unfulfilled. The transcripts from the debates of the Military Staff Committee stand as the last official testament on an idea that was forged out of two world wars and countless other acts of international aggression. For almost fifty years, there has been no official work at trying to implement a system that could have prevented violence and bloodshed and millions of deaths. But today, the bipolar system that dominated those last fifty years is gone, and with it many of the barriers that had prevented any positive movement on Article 43. Hope has replaced gloom. The new world order. Glasnost. The tearing down of the Berlin Wall. The success of the allied coalition forces. The world has changed and continues to change. The chance to finally realize the vision that Woodrow Wilson spoke of and the idea that was framed at Dumbarton Oaks has come. The conditions are right. The advantages are clear. Alea iacta est...

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